

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Bennell Garner

Docket No. 4:11-CR-47-1BR

Petition for Action on Supervised Release

COMES NOW Michael W. Dilda, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Bennell Garner, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1) and 924, and Possession of a Firearm in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c), was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge, on October 31, 2011, to the custody of the Bureau of Prisons for a term of 93 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

Bennell Garner was released from custody on August 25, 2017, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On November 16, 2017, the defendant provided a urine sample that tested positive for marijuana. Prior to the submission of the test, Garner acknowledged that he used marijuana on November 13, 2017. On November 21, 2017, laboratory analysis revealed positive results for marijuana. The defendant has agreed to report for a substance abuse evaluation and follow up as directed with any recommended treatment. Additionally, as a sanction for this violation conduct, participation in the DROPS Program (second use level) is recommended. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the second use level.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Michael W. Dilda
Michael W. Dilda
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2342
Executed On: November 28, 2017

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ORDER OF THE COURT

Considered and ordered this 29 day of November, 2017, and ordered filed and made a part of the records in the above case.

W. Earl Britt
Senior U.S. District Judge

